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14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 ALEX KHASIN, on behalf of himself and all others)
similarly situated,)

20 Plaintiff,)

21 v.)

22 R.C. BIGELOW, INC.,)

23 Defendant.)
24)
25)
26)
27)

CASE NO. CV12-02204-JSW

CLASS ACTION

**STIPULATION RE: BRIEFING
AND HEARING SCHEDULE ON
MOTION TO DISMISS AMENDED
COMPLAINT; CONTINUANCE OF
CASE MANAGEMENT
CONFERENCE**

Judge: Hon. Jeffrey S. White
Action Filed: May 2, 2012

Pursuant to Civil Local Rules 6-1(a) and 16-2(e), and the Standing Orders of this Court, Plaintiff Alex Khasin, on behalf of himself and all others similarly situated ("Plaintiff"), and Defendant R.C. Bigelow, Inc. ("Bigelow"), through their undersigned counsel, hereby move and stipulate as follows:

WHEREAS, this action was filed in this Court on May 2, 2012;

WHEREAS, Bigelow was served with the summons and Plaintiff's complaint (the "Complaint") on May 18, 2012;

WHEREAS, on July 31, 2012, Bigelow filed a Motion to Dismiss, Or In The Alternative, Motion to Strike the Complaint;

WHEREAS, on August 21, 2012, Plaintiff filed his Amended Complaint for Damages, Equitable and Injunctive Relief ("Amended Complaint");

WHEREAS, on September 18, 2012, Bigelow filed a Motion to Dismiss, or in the Alternative, Motion to Strike the Amended Complaint;

WHEREAS, on October 15, 2012, the Court struck Bigelow's Motion, without prejudice, for not seeking leave of court to file an oversized brief;

WHEREAS, on October 23, 2012, the parties filed a Joint Stipulation for Administrative Relief to Exceed Page Limitations on Motion to Dismiss Amended Complaint;

WHEREAS, on October 26, 2012, the Court granted the parties' Motion for Administrative Relief to Exceed Page Limitations on Motion to Dismiss Amended Complaint;

WHEREAS, Bigelow anticipates the filing of a Motion to Dismiss, or in the Alternative, Motion to Strike the Amended Complaint, and the parties have stipulated and agreed to a briefing and hearing schedule for said motion, and have further stipulated and agreed to continue the Case Management Conference, currently scheduled for December 14, 2012, until after the hearing of said motion.

IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel, that pursuant to Local Rules 6-1(a) and 16-2(e):

1. Bigelow's Motion to Dismiss, or in the Alternative, Motion to Strike the

1 Amended Complaint shall be due on or before **December 7, 2012**;

2 2. Plaintiff's opposition papers shall be due on or before **January 11, 2013**;

3 3. Bigelow's reply papers shall be due on or before **January 18, 2013**;

4 4. Bigelow's Motion to Dismiss, or in the Alternative, Motion to Strike the
5 Amended Complaint shall be heard on **February 8, 2013**, or as soon thereafter as the Court's
6 calendar permits; and

7 5. The Case Management Conference, currently set for December 14, 2012 at 1:30
8 p.m., shall be continued to **March 8, 2013 at 1:30 p.m.**, or as soon thereafter as the Court's
9 calendar permits.

10 IT IS SO STIPULATED.

11 Dated: November 26, 2012

MILES D. SCULLY
TIMOTHY K. BRANSON
JONI M. BORZCIK
GORDON & REES LLP

14 By: /s/ Timothy K. Branson
TIMOTHY K. BRANSON

16 Attorneys for Defendant
R.C. BIGELOW, INC.

18 Dated: November 26, 2012

BEN F. PIERCE GORE
PRATT & ASSOCIATES

21 By: /s/ Ben F. Pierce Gore
BEN F. PIERCE GORE

23 Attorney for Plaintiff

ECF ATTESTATION

I, Timothy K. Branson, am the ECF User whose ID and password are being used to file the following: **STIPULATION RE: BRIEFING AND HEARING SCHEDULE ON MOTION TO DISMISS AMENDED COMPLAINT; CONTINUANCE OF CASE MANAGEMENT CONFERENCE.** In compliance with Civil Local Rule 5-1, I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: November 26, 2012

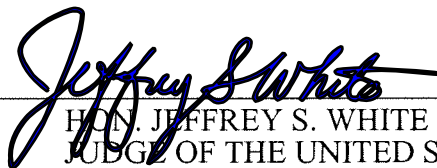
TIMOTHY K. BRANSON
GORDON & REES LLP

By: /s/ Timothy K. Branson
TIMOTHY K. BRANSON

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

December 3, 2012
Dated: _____



HON. JEFFREY S. WHITE
JUDGE OF THE UNITED STATES
DISTRICT COURT